

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MEE JIN-JO,

Plaintiff,

v.

ORDER
08-CV-230

JPMC SPECIALTY MORTGAGE, LLC,

Defendant.

This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1). On September 8, 2009, defendant filed a motion to set aside the entry of default. On September 14, 2009, plaintiff filed a motion to recuse, and on September 22, 2009, she filed a motion to compel a prohibitory injunction and a motion to nullify defendant's answer. On October 29, 2009, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendant's motion to set aside the entry of default be granted. The Magistrate Judge ordered that plaintiff's motion to recuse, to compel a prohibitory injunction and to nullify the defendant's answer be denied.

Plaintiff filed objections to the Report and Recommendation and Order on December 28, 2009. Defendant filed a response thereto.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendant's motion to set aside the entry of default is granted.

Pursuant to 28 U.S.C. § 636(b)(1)(A), the district court "may reconsider any pretrial matter under this [section] where it has been shown that the magistrate's order is clearly erroneous or contrary to law." The Court has reviewed plaintiff's objections and Magistrate Judge McCarthy's Order. Upon such review, the Court finds that Magistrate Judge McCarthy's Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Magistrate Judge's Order.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: January 20 , 2010